

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Mariano Garay-Ortiz, being duly sworn, depose and state:

**Introduction**

1. I am a United States Customs and Border Protection Enforcement Officer with the Department of Homeland Security, assigned to investigate Immigration Law violations and Criminal Laws of the United States at the Luis Muñoz Marín International Airport (“LMMIA”), Carolina, Puerto Rico.

2. The facts and information contained in this affidavit are based upon my training and experience, participation in this investigation, personal knowledge and observations during this investigation, as well as the observations of other agents and police officers involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of records, documents, and other physical evidence obtained during the investigation.

3. This affidavit contains information necessary to support probable cause. It is not intended to include each and every fact and matter observed by me or known to the United States. This affidavit contains information necessary to support probable cause for a criminal complaint charging Ernesto CASTRO (“CASTRO”) with violation of 8 U.S.C. § 1326(a) (Re-entry After Deportation).

**Probable Cause**

4. On March 16, 2025, at the LMMIA, CASTRO, an alien and citizen of the Dominican Republic, was found in the United States attempting to board Frontier Airlines flight number 239, bound for Punta Cana, Dominican Republic. During the inspection conducted by U.S. Customs and Border Protection Officers, CASTRO claimed to be a citizen of the Dominican Republic by the name of Ernesto CASTRO and presented a Dominican Republic passport, with Number PR0568939, as proof of identity. The passport contained CASTRO's photograph and was issued under the name Ernesto CASTRO. CASTRO claimed to be the rightful bearer of the passport.

5. Given CASTRO did not have any document that allowed him to be present in the United States, he was held for a closer inspection. During this process, CASTRO's fingerprints were submitted to the Federal Bureau of Investigation ("FBI") for examination and comparison. This examination disclosed a match to an FBI record, which revealed the following:

- a) On April 28, 2021, CASTRO was apprehended by U.S. Customs and Border Protection at the LMMIA and was served with an Expedited Removal from the United States.
- b) On April 28, 2021, CASTRO was physically removed from the United States to the Dominican Republic.

6. CASTRO was told that after his deportation/removal from the United States, he was required to obtain permission from the Attorney General or his

successor under the Department of Homeland Security prior to his re-embarkation at a place outside the United States or his application for admission.

7. Further investigation and records checks revealed that no application to request permission on Form I-212 (Application for Permission to Reapply for Admission into the United States After Deportation or Removal) had been filed on behalf of “Ernesto CASTRO” at the Office of Citizenship and Immigration Services.

8. CASTRO is a citizen and national of the Dominican Republic and is an alien with no authorization or legal status to be present in the United States. Further, CASTRO was deported from the United States and prohibited from re-entering the United States without obtaining consent from the Attorney General or his successor under the Department of Homeland Security prior to his re-embarkation at a place outside the United States or his application for admission.

#### **Conclusion**

9. Based on the facts contained herein, there is probable cause to believe that CASTRO committed the following Federal offense: 8 U.S.C. § 1326(a) (Re-entry After Deportation).

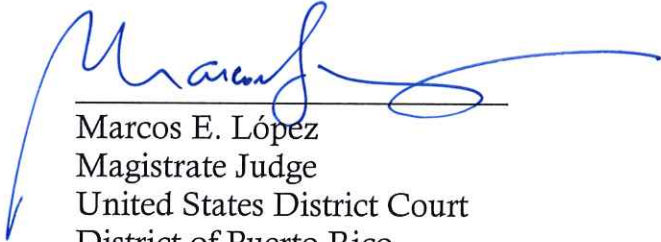
I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

MARIANO E  
GARAY ORTIZ

Digitally signed by MARIANO  
E GARAY ORTIZ  
Date: 2025.03.17 13:21:02  
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Mariano Garay-Ortiz  
Enforcement Officer  
Homeland Security Investigations

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
telephone at 5:25 p.m. on the 17<sup>th</sup> day of March, 2025.



Marcos E. López  
Magistrate Judge  
United States District Court  
District of Puerto Rico